

**THE HONORABLE MARY JO HESTON
CHAPTER 13
HEARING DATE: June 25, 2019
HEARING TIME: 1:00 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: June 18, 2019**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 18-40496-MJH

JENIFER LEE CAREY and
MARIO DARREN CAREY,

NOTICE OF AND MOTION FOR DISMISSAL
PURSUANT TO 11 U.S.C. § 1307(c)

Debtors.

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Mary Jo Heston at **1:00 P.M. on June 25, 2019**, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom H, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, **NOT LATER THAN THE RESPONSE DATE**, which is **June 18, 2019**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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MOTION
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6 **COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:
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- 1 1. Debtors filed this case on **February 16, 2018**. The case was confirmed by order of the
2 Court on **April 21, 2018**.
- 3 2. Pursuant to the confirmed plan, Debtors are required to make plan payments of **\$1,915.35**
4 bi-weekly. Debtors are presently delinquent in plan payments in the amount of **\$18,131.34**,
5 supported by the Declaration filed herewith.
- 6 3. Debtors have failed to provide the Trustee with a copy of their 2018 tax return.
- 7 4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable
8 delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan
9 payments.

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14 **WHEREFORE** the Trustee prays that this case be dismissed and closed.
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17 **DATED** this 31st day of May, 2019 at Tacoma, Washington.
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/s/ Matthew J.P. Johnson
Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 18-40496-MJH

JENIFER LEE CAREY and
MARIO DARREN CAREY,

PROPOSED
ORDER DISMISSING CHAPTER 13 CASE

Debtors.

THIS MATTER having come before the Court on the Trustee's Motion to Dismiss, due notice of hearing having been given to the Debtors and the attorney for the Debtors; the Debtors having not otherwise responded or appeared, the Court having reviewed the motion and being fully advised in the premises, **IT IS HEREBY**

ORDERED that any funds being held by the Trustee shall be applied to the filing fee, with any remaining balance returned to the Debtors; it is further

ORDERED that upon dismissal or conversion, any refund shall be payable to the Debtors and may be forwarded to the Debtors through the attorney's office per 11 U.S.C. 349(b)(3); it is further

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

1 **ORDERED** that the above-captioned case be dismissed effective on the date of this
2 Order and the Trustee is directed to administratively close this case and issue Trustee's Final
3 Report to creditors.

4 *///End of Order///*

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6 Presented by:

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8 Mathew S. LaCroix, WSBA# 41847 for
9 Michael G. Malaier, Chapter 13 Trustee